

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

Brox Industries, Inc.

is authorized to discharge from the facility located at

**Brox Industries, Inc.
1480 Methuen Street
Dracut, MA 01826**

to receiving water named

wetland system adjacent to the Merrimack River and its tributaries

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on June 1, 2007.

This permit and the authorization to discharge expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit supersedes the permit issued on September 3, 2003.

This permit consists of 7 pages in Part I including effluent limitations, monitoring requirements, and state permit conditions and 25 pages in Part II including General Conditions and Definitions.

Signed this 22nd day of March, 2007

/s/ SIGNATURE ON FILE

Stephen S. Perkins, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Glenn Haas, Director
Division of Watershed Management
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge **treated storm water and process generated waste water** from **outfall 003**. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirement ¹	
		Average Monthly	Maximum Daily	Measurement Frequency	Sample Type
Flow	gpm	Report	1100	Continuous	Recorder
TSS ⁵	mg/l (lbs/day)	24 (Report)	43 (Report)	1 / Week	Grab
Oil & Grease	mg/l	10	15	1 / Month	Grab
pH ²	s.u.	6.5-8.3 range (See I.A.2.b. Page 3)		1 / Week	Grab
Turbidity	NTU	*****	25	1 / Month	Grab
Ammonia as Nitrogen	mg/l	*****	Report	1 / Month	Composite ³
Nitrate	mg/l	*****	Report	1 / Month	Composite ³
Nitrite	mg/l	*****	Report	1 / Month	Composite ³
Total Kjeldahl Nitrogen	mg/l	*****	Report	1 / Month	Composite ³
Perchlorate	mg/l	-	Report	1/ Event ⁴	Grab

See Page 3 for Footnotes:

Footnotes:

1. Samples taken in compliance with the monitoring requirements specified above shall be taken at the end of 18 inch culvert before the discharge enters the wetland system.
2. Required for State Certification.
3. Composite sample will consist of at least one grab sample per hour with a minimum of four (4) grab samples during a working day.
4. The permittee is required to test the discharge for the presence of perchlorate following the use of any explosives that contain perchlorate. Sampling should be representative of the waters leaving the site (See Footnote 1). If no explosive event occurs, enter a No Data Indicator Code (NODI) '9' for that month.
5. The loading of total suspended solids (TSS) shall be calculated based upon the total flow for a given day in units of gallons per day and the maximum daily concentration of TSS measured during that day.

Part I.A (continued)

2.
 - a. The discharge shall not cause a violation of the water quality standards of the receiving waters which have been or maybe be promulgated.
 - b. The pH of the effluent shall be neither less than 6.5 nor greater than 8.3 at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.
 - c. The discharge shall not cause an objectionable discoloration of the receiving waters.
 - d. The effluent shall contain neither visible oil sheen, foam, nor floating solids at any time.
 - e. The current discharge from Outfall 003 consists of process generated waste water and treated storm water runoff from the quarry and crushing/washing activities. After the first storm event that contributes runoff from the HMA plant(s) to this discharge, the permittee shall notify the regulatory agency in writing. **This report shall be attached to the first monthly DMR that is submitted after the event occurs.**
 - f. A report stating that there was no discharge shall be submitted when there is no discharge during the reporting period.
 - g. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to human health, aquatic life of the receiving water or which would impair the uses designated by its classification.

- h. To ensure that unknown contaminants do not enter the waste water system at the site, the permittee shall only wash uncontaminated rock, stone or gravel in its crushing/washing/sorting operation.
 - i. The results of sampling for any parameter above its required frequency must also be reported, in accordance with 40 CFR § 122.41(l)(4)(ii).
 - j. The permittee shall notify the regulatory agency in writing of any changes in the operations, including the use of chemical additives, at the facility that may have an effect on the permitted discharge of wastewater from the facility.
3. This permit shall be modified, or revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
- a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
 - b. controls any pollutant not limited by this permit.

If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the Act.

4. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe (40 CFR § 122.42):
- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (i) One hundred micrograms per liter (100 µg/l);
 - (ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4- dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
 - (iv) The level established by the Director in accordance with 40 CFR §122.44(f).
 - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

- (i) Five hundred micrograms per liter (500 µg/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR §122.21(g)(7); or
 - (iv) The level established by the Director in accordance with 40 CFR §122.44(f).
- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

5. Toxics Control

- a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.
- b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

6. Numerical Effluent Limitations for Toxicants

EPA or MassDEP may use the results of the toxicity tests and chemical analyses conducted pursuant to this permit, as well as national water quality criteria developed pursuant to Section 304(a)(1) of the Clean Water Act (CWA), state water quality criteria, and any other appropriate information or data, to develop numerical effluent limitations for any pollutants, including but not limited to those pollutants listed in Appendix D of 40 CFR Part 122.

B. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- 1. The permittee shall maintain, update and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce the discharge of pollutants to the receiving waters identified in this permit. The permittee shall update and amend the SWPPP when necessary to account for any changes affecting the SWPPP including, but not limited to whenever the following occur: a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States; a release of reportable quantities of hazardous substances or oil; or the SWPPP appears to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.
- 2. An updated and amended SWPPP shall be completed and signed by the Permittee within 90 days after the effective date of this Permit. Each amended SWPPP shall be certified by the

Permittee. The certification shall be signed in accordance with the requirements identified in 40 CFR §122.22, and a copy of the current certification shall be sent each year to EPA and MassDEP within thirty (30) days of the annual anniversary of the effective date of the Final Permit. The certification should document that the previous year's inspections and maintenance activities were conducted, results were recorded, records were maintained, and that the facility is in compliance with the SWPPP. The permittee shall keep a copy of the most recent SWPPP and certification at the facility and shall make it available for inspection by EPA and MassDEP.

3. The permittee shall assure that the SWPPP is consistent with the requirements outlined in Part 4 of EPA's NPDES Storm Water Multi-Sector General Permit for Industrial Activities, issued by EPA on October 30, 2000 (See 65 FR 64812-64815). The SWPPP shall refer to all of the outfalls, the priority pollutants, the conventional pollutants and the monitoring requirements at each outfall. Additionally, the SWPPP shall include the best management practices (BMPs) appropriate for this specific facility to control storm water discharges from activities that could contribute pollutants to waters of the United States through storm water. At a minimum, these BMPs include, to the degree practicable, those referenced in Sector D and Sector J of the MSGP (See Part 6.D.4 and 6.J.6 of the MSGP). Furthermore, the SWPPP shall contain the elements listed below.

- a. Pollution Prevention Team
- b. Site Description
- c. Receiving Waters and Wetlands
- d. Summary of Potential Pollutant Sources
- e. Spills and Leaks
- f. Sampling Data
- g. Storm Water Controls

C. UNAUTHORIZED DISCHARGES

This permit authorizes the permittee to discharge only in accordance with the terms and conditions of this permit and only from the outfall listed in Part I A. of this permit. Discharges of wastewater from any other point sources which are not authorized by this permit or other NPDES permits shall be reported in accordance with Section D.1.e. (1) of the General Requirements of this permit (Twenty-four hour reporting).

D. MONITORING AND REPORTING

Monitoring results obtained during each calendar month shall be summarized and reported on Discharge Monitoring Report Form(s) postmarked no later than the 15th day of the following month. Other monitoring results shall be submitted as required by this Permit.

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director and the State at the following addresses:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Northeast Regional Office
205B Lowell Street
Wilmington, Massachusetts 01887

In addition, copies of all Discharge Monitoring Reports required by this permit shall also be submitted to the State at following address:

Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, MA 01608

E. STATE PERMIT CONDITIONS

This Discharge Permit is issued jointly by the U. S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) under Federal and State law, respectively. As such, all the terms and conditions of this Permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MassDEP pursuant to M.G.L. Chap.21, §43.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of this Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this Permit is declared invalid, illegal or otherwise issued in violation of State law, such permit shall remain in full force and effect under Federal law as an NPDES Permit issued by the U.S. Environmental Protection Agency. In the event this Permit is declared invalid, illegal or otherwise issued in violation of Federal law, this Permit shall remain in full force and effect under State law as a Permit issued by the Commonwealth of Massachusetts.